

REMARKS

Claims 1 – 12, 24, 26 – 33, 44, 46 – 53, 64, 66, 68 – 70, 72 – 79, 81 and 83 – 88 are pending. The Office Action dated October 7, 2010 in this Application has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1 and 83 have been amended in this Response. Claims 24, 26 – 33, 44, 46 – 53, 64, 66, 68 – 70, 72 – 79, and 81 have been cancelled without prejudice in this Response. Applicant reserves the right to resubmit the cancelled claims, and states that the subject matter thereof has not been dedicated to the public. New Claim 89 has been added. Applicant wishes to thank the Examiner for an indication that Claims 81 and 83 contain allowable subject matter. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

In this Amendment, Applicant has cancelled Claims 24, 26 – 33, 44, 46 – 53, 64, 66, 68 – 70, 72 – 79, and 81 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by Claims 24, 26 – 33, 44, 46 – 53, 64, 66, 68 – 70, 72 – 79, and 81 is not patentable. Claims 24, 26 – 33, 44, 46 – 53, 64, 66, 68 – 70, 72 – 79, and 81 were cancelled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by Claims 24, 26 – 33, 44, 46 – 53, 64, 66, 68 – 70, 72 – 79, and 81, as presented prior to this Amendment in one or more continuing applications.

Rejections Under 35 U.S.C. § 103 over Gueissaz, Carley, and Fitch

Claims 1, 3-5, 8, 9, 24, 26, 27, 30, 32, 33, 44, 46-48, 50, 52, 53, 66, 68-70, 73, 75-79 and 82 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application

Publication No. US 2001/0004085 to Gueissaz (“Gueissaz”) in view of U.S. Patent No. 7,008,812 to Carley (“Carley”) and further in view of U.S. Patent No. 5,324,683 to Fitch et al. (“Fitch”). In light of the amendments submitted herewith, Applicant respectfully submits that the rejection of Claim 1 has been overcome. Claims 24, 26 – 33, 44, 46 – 53, 64, 66, 68 – 70, 72 – 79, and 81 have been cancelled in this Response, without prejudice to their submission in another application. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

Rejected independent Claim 1 as now amended more particularly recites one of the distinguishing characteristics of the present invention, namely, “*depositing additional material adjacent to the protective material.*” (Emphasis added.) Support for this Amendment can be found, among other places, on page 11, lines 13 – 21 of the Application as originally filed. Applicant notes that the Examiner has indicated the subject matter of dependent Claim 81 would be allowable if presented in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended base Claim 1 to include the limitations of dependent Claim 81, and has canceled dependent Claim 81.

In view of the foregoing, it is apparent that the cited references do not teach the unique combination now recited in amended Claim 1. Applicant therefore submits that amended Claim 1 is clearly and precisely distinguishable over the cited references in a patentable sense, and is therefore allowable over these references and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 1 under 35 U.S.C. §103(a) over Gueissaz, Carley, and Fitch be withdrawn and that Claim 1 be allowed.

Claims 3-5, 8, 9, 24, 26, 27, 30, 32, 33, 44, 46-48, 50, 52, 53, 66, 68-70, 73, 75-79 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gueissaz, Carley, and Fitch. However, and Claims 3 – 5, 8, and 9 depend from and further limit Claim 1. Hence, for at least the

aforementioned reasons that Claim 1 should be deemed to be in condition for allowance, Claims 3 – 5, 8, and 9 should be deemed to be in condition for allowance. Claims 24, 26, 27, 30, 32, 33, 44, 46-48, 50, 52, 53, 66, 68-70, 73, 75-79 and 82 have been canceled in this Response, without prejudice to their submission in another application. Applicant respectfully requests that the rejections of dependent Claims 3 – 5, 8, and 9 be withdrawn, and the rejections of cancelled Claims 24, 26, 27, 30, 32, 33, 44, 46 – 48, 50, 52, 53, 66, 68-70, 73, 75 – 79 and 82 also be withdrawn.

Rejections Under 35 U.S.C. § 103 over Gueissaz, Carley, Fitch, Marrs and Plummer

Claims 2, 7, 10-12, 64, 74, 84-86 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gueissaz, Carley, and Fitch, and further in view of U.S. Patent No. 5,485,037 to Marrs (“Marrs”) and U.S. Patent No. 4,480,975 to Plummer et al. (“Plummer”). However, Claims 2, 7, and 10 – 12 depend from and further limit Claim 1. Hence, for at least the aforementioned reasons that Claim 1 should be deemed to be in condition for allowance, Claims 2, 7, and 10 – 12 should be deemed to be in condition for allowance. Claims 64, 74, have been cancelled in this Response, without prejudice to their submission in another application. Applicant respectfully requests that the rejections of dependent Claims 2, 7, and 10 – 12 be withdrawn, and the rejections of cancelled Claims 64, 74, 84-86 also be withdrawn..

Rejections Under 35 U.S.C. § 103 over Gueissaz, Carley, Fitch and Yang

Claims 28, 29, 31, 49, 51 and 72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gueissaz, Carley, and Fitch in view of U.S. Patent Application Publication No. US 2004/0046835 to Yang et al. (“Yang”). Claims 28, 29, 31, 49, 51 and 72 have been cancelled in

this Response, without prejudice to their submission in another application. Accordingly, Applicant respectfully requests that the rejections of cancelled Claims 28, 29, 31, 49, 51 and 72 be withdrawn.

Rejection of Claim 88 Under 35 U.S.C. § 103

Claim 88 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gueissaz, Carley, and Fitch, and further in view of Marrs and Plummer. The Examiner, however, indicated that Claims 81 and 83 would be allowable if rewritten in independent form, because “the prior art does not disclose or obvious [sic] forming adjacent material to the protective material.” Claim 88, as previously presented, includes the limitation “depositing additional material adjacent to the protective material” and thus should be allowable for at least the same reasons that Claims 81 and 83 were indicated as allowable. Accordingly, Applicant respectfully requests that the rejections of cancelled Claim 88 be withdrawn.

New Claim 89

New Claim 89 has been added in this Response. Support for this new claim may be found at least on page 11, lines 13 – 21 of the Application as originally filed. Claim 89 depends from and further limits Claim 1. Hence, for at least the aforementioned reasons that Claim 1 should be deemed to be in condition for allowance, Claim 89 should be deemed to be in condition for allowance.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1 – 12, and 83 – 89.

Applicant hereby requests an extension of time for making this reply and hereby authorizes the Director to charge the required fee to Deposit Account No. 50-0605 of CARR LLP. Applicant does not believe that any other fees are due; however, in the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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